

Translation

PATENT COOPERATION TREATY

PCT/FR2002/004542



PCT

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference R7316WO	FOR FURTHER ACTION See Notification of Transmittal of International Preliminary Examination Report (Form PCT/IPEA/416)	
International application No. PCT/FR2002/004542	International filing date (day/month/year) 23 décembre 2002 (23.12.2002)	Priority date (day/month/year) 28 décembre 2001 (28.12.2001)
International Patent Classification (IPC) or national classification and IPC H04Q 7/32		
Applicant WAVECOM		

1. This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.
2. This REPORT consists of a total of <u>4</u> sheets, including this cover sheet. <input type="checkbox"/> This report is also accompanied by ANNEXES, i.e., sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT). These annexes consist of a total of _____ sheets.
3. This report contains indications relating to the following items: I <input checked="" type="checkbox"/> Basis of the report II <input type="checkbox"/> Priority III <input type="checkbox"/> Non-establishment of opinion with regard to novelty, inventive step and industrial applicability IV <input type="checkbox"/> Lack of unity of invention V <input checked="" type="checkbox"/> Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement VI <input type="checkbox"/> Certain documents cited VII <input type="checkbox"/> Certain defects in the international application VIII <input type="checkbox"/> Certain observations on the international application

Date of submission of the demand 19 juin 2003 (19.06.2003)	Date of completion of this report 26 May 2004 (26.05.2004)
Name and mailing address of the IPEA/EP	Authorized officer
Facsimile No.	Telephone No.

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No.

PCT/FR2002/004542

I. Basis of the report

1. With regard to the elements of the international application:*

- ☒ the international application as originally filed
- ☒ the description:
 pages _____ 1-17 _____, as originally filed
 pages _____, filed with the demand
 pages _____, filed with the letter of _____
- ☒ the claims:
 pages _____ 1-20 _____, as originally filed
 pages _____, as amended (together with any statement under Article 19
 pages _____, filed with the demand
 pages _____, filed with the letter of _____
- ☒ the drawings:
 pages _____ 1/5-5/5 _____, as originally filed
 pages _____, filed with the demand
 pages _____, filed with the letter of _____
- ☐ the sequence listing part of the description:
 pages _____, as originally filed
 pages _____, filed with the demand
 pages _____, filed with the letter of _____

2. With regard to the **language**, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item.
 These elements were available or furnished to this Authority in the following language _____ which is:
- ☐ the language of a translation furnished for the purposes of international search (under Rule 23.1(b)).
- ☐ the language of publication of the international application (under Rule 48.3(b)).
- ☐ the language of the translation furnished for the purposes of international preliminary examination (under Rule 55.2 and/or 55.3).

3. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application, the international preliminary examination was carried out on the basis of the sequence listing:

- ☐ contained in the international application in written form.
- ☐ filed together with the international application in computer readable form.
- ☐ furnished subsequently to this Authority in written form.
- ☐ furnished subsequently to this Authority in computer readable form.
- ☐ The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.
- ☐ The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.

4. ☐ The amendments have resulted in the cancellation of:

- ☐ the description, pages _____
- ☐ the claims, Nos. _____
- ☐ the drawings, sheets/fig _____

5. ☐ This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).**

* Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report since they do not contain amendments (Rule 70.16 and 70.17).

** Any replacement sheet containing such amendments must be referred to under item 1 and annexed to this report.

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No.
PCT/FR 02/04542

V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Claims	9, 13-16	YES
	Claims	1-8, 10-12, 17-20	NO
Inventive step (IS)	Claims		YES
	Claims	1-20	NO
Industrial applicability (IA)	Claims	1-20	YES
	Claims		NO

2. Citations and explanations

1. Reference is made to the following document:

D1: WO 01 58189 A (NORTEL NETWORKS LTD; DUPLESSIS
PHILIPPE (FR); EDWARDS KEITH (GB)) 9 August 2001
(2001-08-09)

2. Document D1 describes a method for transmitting data over a radio network including base stations (BS) (page 7, lines 19-22) and at least one terminal (MS) which transmits binary data periodically and in isolation to at least one BS on an uplink radio channel (see page 7, lines 19-22, page 10, lines 19-28*, page 13, Table 1, USDCH*), wherein said radio channel conveys first data enabling the transmission power of said BS to be controlled, and second data for another end purpose (page 10, lines 19-28 and page 23, lines 3-16).

* The fact that the reports transmitted by the MS are periodic (i.e. repeated) is considered to be implicit because periodic reports are required to adjust network quality and power.

* The reports are transmitted in isolation, i.e. in messages, over a channel isolated from the downlink

channel.

Therefore, the subject matter of claim 1 is not novel (PCT Article 33(2)).

3. For the same reasons, the subject matter of claims 17 to 20 is not novel either (PCT Article 33(2)).

4. Dependent claims 2 to 16 do not contain any features which, when combined with the features of any one of the claims to which they refer, might define subject matter that complies with the requirements of novelty and/or inventive step of the PCT, since the subject matter of said claims is also known from document D1 (see claims 2 to 8 and 10 to 12) or can be derived from D1 (see claims 9 and 13 to 16).